

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SUNDARI K. PRASAD,

Petitioner,

v.

Civil Action No. 3:21cv643

HAMPTON CIRCUIT COURT ET AL.

Respondent.

MEMORANDUM OPINION

Plaintiff Sundari K. Prasad, a Virginia inmate proceeding *pro se*, submitted a 42 U.S.C. § 1983 complaint challenging her state sentence. (ECF No. 1.) Given the content of this document, the Court found it appropriate to give Prasad the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See Rivenbark v. Virginia*, 305 F. App'x 144, 145 (4th Cir. 2008).

Accordingly, by Memorandum Order entered on November 22, 2021, the Court directed the Clerk to send Prasad the standardized forms for filing both a 42 U.S.C. § 1983 action and a 28 U.S.C. § 2254 action. (ECF No. 6, at 1–2.) The Court directed Prasad, within fifteen (15) days of the date of entry the Order, to complete and return the standardized form that was provided to her for filing either a 42 U.S.C. § 1983 action or a 28 U.S.C. § 2254 action. (*Id.* 2.) The Court warned Prasad that failure to complete and return one of the two forms would result in dismissal of the action. (*Id.*)

More than fifteen (15) days have passed since the entry of the November 22, 2021 Memorandum Order, and Prasad has not completed and returned either of the two forms that were provided to her, or otherwise communicated with the Court. Prasad's failure to comply

with the November 22, 2021 Memorandum Order indicates a lack of interest in litigating this matter. *See* Fed. R. Civ. P. 41(b).¹

Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 1-11-2022
Richmond, Virginia



M. Hannah Lauck
United States District Judge

¹ This Rule allows for dismissal of an action “[i]f the plaintiff fails to prosecute or to comply with [the Federal Rules of Civil procedure] or a court order.” Fed. R. Civ. P. 41(b).